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EXAMINER MAPA, MICHAEL Y				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eptomatters@glenn-law.com

Office Action Summary

Application No.

10/773,064

Applicant(s)

ROBINSON ET AL.

Examiner

Michael Mapa

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 6, 7, 9-11, 15, 17, 18, 20-22, 26, 28, 29 and 31-39 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 4, 6, 7, 9-11, 15, 17, 18, 20-22, 26, 28, 29 and 31-39 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/05/10 has been entered.

Response to Amendment

2. The applicant has amended the following:

Claims: 11, 33-34, 36 and 38 have been amended.

Claims: 4, 6-7, 9-10, 15, 17-18, 20-22, 26, 28-29, 31-32, 35, 37
and 39 have not been amended.

Claims: 1-3, 5, 8, 12-14, 16, 19, 23-25, 27 and 30 have been
cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims 4,6,7,9-11,15,17,18,20-22,26,28,29 and 31-39 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues features wherein a method, apparatus and computer program product for facilitating messaging between a mobile device and a sender comprising providing a plurality of reserved routing codes for exchanging messages between senders and mobile devices; in response to receiving a message from the sender directed to the mobile device, temporarily associating one of the routing codes with the sender for the duration of the user session on said mobile device; including the temporarily associated routing code in the message as a reply address; and transmitting the reply message with the included temporarily associated routing code to the mobile device; the method further comprising the steps of composing a message for the sender at said mobile device, said message including at least said sender's personal identifier in body of said message; sending said message to a routing code assigned to an unlisted function on said mobile device; receiving said message at an instant messaging system; capturing said sender's personal identifier by said instant messaging system; temporarily assigning a routing code from said plurality of reserved routing codes to said sender's personal identifier by said instant messaging system; sending said message to said sender; and returning notice of said assignment to said mobile device.

4. Before addressing the applicant's arguments, the examiner would like to clarify the position taken with respect to the applied art:

Holmes discloses a system and process for allowing wireless messaging comprising a gateway having a pool of available temporary MSISDN (reserved routing

codes) which assigns and creates a new, temporary and unique reply MSISDN number associated with the message before sending the message and the reply MSISDN number onto the mobile phone for the life of the message and saves the originating address with the temporary MSISDN so that when the reply comes back from the mobile phone, the destination address is matched to the sender thereby allowing the mobile phone to reply to messages without knowing the address of the original sender. In addition, Holmes discloses the mobile device sending a message to the internet address of a user wherein the mobile device uses a special mail relay MSISDN used for internet mail only to send the message wherein the internet address of the recipient of the message is specified in the body of the message and wherein the gateway obtains the internet address and sends the message to the recipient user.

With regards to the applicant's arguments that "the Office's unusual interpretation ... because the numbers are recycled and reassigned over and over again, it is thus impossible to associate a new and unique reply MSISDN number with a reply address" (Page 11 of applicant's arguments filed 10/05/10), the examiner respectfully disagrees. Holmes discloses assigning a temporary MSISDN number on an adhoc basis from a pool of available numbers wherein the temporary MSISDN is stored with the source address of the internet mail and is used if the message is replied to and all the numbers in the temporary MSISDN pool may be reused in the oldest first date order. Each of the temporary address from the pool of MSISDN numbers are unique to each other and the MSISDN number is used temporarily for the sender only for the life of the message and as such when the life of the message is completed the MSISDN number is returned

back to the pool of available MSISDN numbers to be reused. Therefore each temporary MSISDN from the pool of available MSISDN are created to be unique from each other and the gateway creates a new, temporary and unique association with the internet address of the sender when the sender sends a message to the mobile device to create and map a reply MSISDN and the reply address so that the mobile device is able to reply to the message without knowing the address of the sender.

5. Therefore, the argued limitations read upon the cited references or are written broad such that they read upon the cited references, as follows:

Claim Objections

6. Claims 7, 9, 17-18, 20, 28-29, 31, 34, 36 and 38 are objected to because of the following informalities:

Claims 7, 9, 17-18, 20, 28-29, 31, 34, 36 and 38 disclose the claimed limitation "said mobile unit". However, there is a lack of and insufficient antecedent basis for the claimed limitations of "said mobile unit" for the purpose of the examination and the rejection provided below, the examiner will interpret the claims to read as "said mobile device".

Claim 34 discloses the claimed limitation of "transmitting the reply message". However, there is a lack of and insufficient antecedent basis for the claimed limitation of "the reply message". In addition, the previous claim limitations in the claim only

discloses "including the temporarily associated routing code in the message as a reply address", therefore since there is a lack of antecedent basis, the examiner will interpret the claims to read as "transmitting the reply address containing message".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 6-7, 10, 15, 17-18, 21, 26, 28-29, 32 and 34-39 rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes et al. (US Patent 6134432 herein after referenced as Holmes) in view of Ogle et al. (US Patent 6430604 herein after referenced as Ogle).

Regarding claim 34, Holmes discloses:

The applicant claims "A method of facilitating messaging between a mobile device and a sender, the method comprising steps of: providing a plurality of reserved routing codes for exchanging messages between senders and mobile devices" (Column 5, Lines 46-48 of Holmes, wherein Holmes discloses incoming messages are assigned

temporary MSISDN numbers on an ad-hoc basis from a pool of available MSISDN numbers (plurality of reserved routing codes)).

The applicant claims "in response to receiving a message from the sender directed to the mobile device, temporarily associating one of the routing codes with the sender for the duration of the user session on said mobile device; including the temporarily associated routing code in the message as a reply address" (Column 5, Lines 48-50 & Lines 56-57 of Holmes, wherein Holmes discloses the temporary MSISDN is stored with the source address of the internet mail and is used if the message is replied to and wherein Holmes discloses the gateway assigning the temporary MSISDN for the life of the message (duration of the user session on said mobile device) wherein when a reply from the mobile phone comes back, the destination address is matched to the internet address of the original message sender and is then used to transmit the message reply).

The applicant claims "and transmitting the reply address containing message with the included temporarily associated routing code to the mobile device" (Column 5, Lines 2-15 & Column 5, Lines 46-63 of Holmes, wherein Holmes discloses the gateway creating a new, temporary and unique reply MSISDN number associated with the reply address and wherein temporary MSISDN numbers are assigned from the pool of available temporary MSISDN numbers before sending the message and the reply MSISDN number onto the mobile phone and if the user of the mobile phone replies to this message, the reply MSISDN number is sent with the reply message back to the gateway which the gateway can map back onto the address of the original sender,

therefore each temporary MSISDN from the pool of available MSISDN are created to be unique from each other and the gateway creates a new temporary and unique association with the reply MSISDN and the reply address).

The applicant claims "the method further comprising the steps of: composing a message for the sender at said mobile device, said message including at least said sender's personal identifier in body of said message" (Column 5, Lines 15-25 of Holmes, wherein Holmes discloses the user of the mobile phone creating a message destined for the internet wherein the internet address of the intended recipient (sender's personal identifier) is specified in the body of the message).

The applicant claims "sending said message to a routing code assigned to an "unlisted" function on said mobile device" (Column 5, Lines 15-25 of Holmes, wherein Holmes discloses the user of the mobile phone sending the message to the gateway using a selected internet mail relay MSISDN (routing code assigned to an "unlisted" function) which is a special number for internet mail only wherein the gateway is configured that any message sent to this MSISDN number will be forwarded to the internet and delivered to the recipient address specified in the body of the message).

The applicant claims "receiving said message at an messaging system; capturing said sender's personal identifier by said messaging system; sending said message to said sender" (Column 5, Lines 15-25 & Column 6, Lines 12-30 of Holmes, wherein Holmes discloses the user of the mobile phone sending the message to the gateway using a selected internet mail relay MSISDN and wherein the gateway obtains the

destination address from the body of the message and delivers the message to the recipient).

The applicant claims "temporarily assigning a routing code from said plurality of reserved routing codes to said sender's personal identifier by said messaging system; sending said message; and returning notice of said assignment" (Column 5, Lines 46-57 of Holmes, wherein Holmes discloses the temporary MSISDN assigned from the pool of available numbers is stored with the source address (senders personal identifier) of the internet mail and is used if the message is replied to and wherein Holmes discloses the gateway assigning the temporary MSISDN for the life of the message (duration of the user session on said mobile device) wherein when a reply from the mobile phone comes back, the destination address is matched to the internet address of the original message sender and is then used to transmit the message reply)

Holmes fails to disclose "receiving said message at an messaging system; capturing said sender's personal identifier by said messaging system; temporarily assigning a routing code from said plurality of reserved routing codes to said sender's personal identifier by said messaging system; sending said message to said sender; and returning notice of said assignment to said mobile device."

However, Holmes discloses the teaching of assigning a temporary MSISDN number taken from the pool of available numbers to the internet mail address so that a mapping is performed between the MSISDN number and the internet address so that the user can reply to the messages without knowing the address of the sender (Column 5, Lines 1-15 & Lines 45-63 of Holmes) wherein the gateway performs the address

mapping and has an address resolver that either looks up the correct destination address for the destination type (mobile network or internet) or creates a new mapping for new messages, the address resolver having an address range that is used to assign temporary MSISDN based addresses to outbound internet messages and provides a way for the router to find the correct source address if the message is replied to (Column 13, Lines 28-45 of Holmes). In addition, Holmes discloses the invention may be implemented in a variety of ways (Column 21, Lines 38-43 of Homes). Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Holmes to not only have the number map addressing be implemented when the gateway receives a message from an internet address to the mobile device but also to perform such address mapping when the mobile device sends a message to the internet address so that the recipient having the internet address is able to reply automatically with less time by having the assigning of the temporary MSISDN numbers to the internet address performed before the message is sent thereby ensuring that a connection is already established when the message is received and lowering the amount of time it takes for the mobile to receive the reply since the gateway already has performed the mapping beforehand.

Holmes discloses:

The applicant claims "receiving said message at a messaging system; capturing said sender's personal identifier by said messaging system; temporarily assigning a routing code from said plurality of reserved routing codes to said sender's personal identifier by said messaging system; sending said message to said sender; and

returning notice of said assignment to said mobile device" (Column 5, Lines 1-15 & Lines 45-63 & Column 13, Lines 28-45 & Column 21, Lines 38-43 of Holmes, wherein Holmes discloses the mobile sending a message to the gateway destined for an internet address via the relay MSISDN number and wherein the gateway would perform the number name mapping beforehand as would have been obvious as explained above and then the user of the internet address would reply to the mobile thereby returning notice of the assignment to the mobile device and at which point the mobile device can reply to the sender without having to use and know the sender's address).

Holmes fails to specifically disclose "receiving said message at an instant messaging system."

In a related field of endeavor, Ogle discloses:

The applicant claims "receiving said message at an instant messaging system" (Column 2, Lines 43-67 of Ogle, wherein Ogle discloses a system and method for enabling an instant messaging system (IMS) to use alternative message delivery mechanisms).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Holmes to incorporate the teachings of Ogle of using messaging system applications to be used for instant messages and to use alternative message delivery for the purpose of improving the system by ensuring that the system is used in all manner of messaging system currently in use as well as providing for an alternative message delivery and receipt system that insures the availability of a user to send and receive messages to anyone regardless of where they may be.

Regarding claim 35, Holmes in view of Ogle discloses:

The applicant claims "The method of claim 34, further comprising: receiving a reply message from the mobile device directed to the temporarily associated routing code; and transmitting the reply message to the sender" (Column 5, Lines 2-15 of Holmes, wherein Holmes discloses the gateway creating a new, temporary and unique reply MSISDN number associated with the reply address from the pool of available temporary MSISDN number before sending the message and the reply MSISDN number onto the mobile phone and if the user of the mobile phone replies to this message, the reply MSISDN number is sent with the reply message back to the gateway which the gateway can map back onto the address of the original sender).

Regarding claim 4, Holmes in view of Ogle discloses:

The applicant claims "The method of claim 35, wherein said messages comprise instant messages" (Column 2, Lines 43-67 of Ogle).

Regarding claim 6, Holmes in view of Ogle discloses:

The applicant claims "The method of claim 35, further comprising steps of: sending a message to said mobile device by said sender; receiving said message at said instant messaging system; capturing said sender's personal identifier by an instant messaging system; assigning a routing code to said sender's personal identifier; and sending said message to said mobile device" (Column 5, Lines 2-15 & Column 5, Lines 46-63 of Holmes, wherein Holmes discloses the gateway creating a new, temporary and unique reply MSISDN number associated with the reply address and wherein temporary MSISDN numbers are assigned from the pool of available temporary MSISDN numbers

before sending the message and the reply MSISDN number onto the mobile phone and if the user of the mobile phone replies to this message, the reply MSISDN number is sent with the reply message back to the gateway which the gateway can map back onto the address of the original sender).

Regarding claim 7, Holmes in view of Ogle discloses:

The applicant claims "The method of claim 35, wherein said step of transmitting the reply message to the sender comprises steps of: receiving a message at said mobile device from said sender, wherein said sender's personal identifier has previously been associated with a routing code; and replying to said received message by means of a "reply" function on said mobile unit" (Column 5, Lines 2-15 of Holmes, wherein Holmes discloses the gateway creating a new, temporary and unique reply MSISDN number associated with the reply address from the pool of available temporary MSISDN number before sending the message and the reply MSISDN number onto the mobile phone and if the user of the mobile phone replies to this message, the reply MSISDN number is sent with the reply message back to the gateway which the gateway can map back onto the address of the original sender, therefore since the user of the mobile phone replies to the message using the mobile phone, the mobile phone is using the reply functionalities on said mobile unit).

Regarding claim 10, Holmes in view of Ogle discloses:

The applicant claims "The method of claim 35, further comprising the step of: preventing occurrence of a condition wherein different senders are associated with the same routing code" (Column 5, Lines 56-57 of Holmes, wherein Holmes discloses

assigning a new temporary MSISDN for the life of the message from the pool of available MSISDN, therefore each sender is assigned a new temporary MSISDN for the life of the message and as such the system prevents the occurrence of a condition wherein different senders are associated with the same routing code).

Regarding claim 36, Holmes discloses:

The applicant claims "A computer program product, said computer program product comprising a tangible medium with computer-readable code embodied thereon said computer-readable code including code" (Column 2, Lines 55-64 of Holmes, wherein Holmes discloses the gateway comprising software to implement the methods used by the gateway).

The applicant claims "means for performing the steps of a method of facilitating messaging between a mobile device and a sender the method comprising the steps of: providing a plurality of reserved routing codes for exchanging messages between senders and mobile devices" (Column 5, Lines 46-48 of Holmes, wherein Holmes discloses incoming messages are assigned temporary MSISDN numbers on an ad-hoc basis from a pool of available MSISDN numbers (plurality of reserved routing codes)).

The applicant claims "in response to receiving a message from the sender directed to the mobile device, temporarily associating one of the routing codes with the sender, for the duration of the user session on said mobile device; including the temporarily associated routing code in the message as a reply address" (Column 5, Lines 48-50 & Lines 56-57 of Holmes, wherein Holmes discloses the temporary MSISDN is stored with the source address of the internet mail and is used if the

message is replied to and wherein Holmes discloses the gateway assigning the temporary MSISDN for the life of the message (duration of the user session on said mobile device) wherein when a reply from the mobile phone comes back, the destination address is matched to the internet address of the original message sender and is then used to transmit the message reply).

The applicant claims "and transmitting the message with the included temporarily associated routing codes to the mobile device;" (Column 5, Lines 2-15 & Column 5, Lines 46-63 of Holmes, wherein Holmes discloses the gateway creating a new, temporary and unique reply MSISDN number associated with the reply address and wherein temporary MSISDN numbers are assigned from the pool of available temporary MSISDN numbers before sending the message and the reply MSISDN number onto the mobile phone and if the user of the mobile phone replies to this message, the reply MSISDN number is sent with the reply message back to the gateway which the gateway can map back onto the address of the original sender, therefore each temporary MSISDN from the pool of available MSISDN are created to be unique from each other and the gateway creates a new temporary and unique association with the reply MSISDN and the reply address).

The applicant claims "the method further comprising the steps of: composing a message for the sender at said mobile device, said message including at least said sender's personal identifier in body of said message" (Column 5, Lines 15-25 of Holmes, wherein Holmes discloses the user of the mobile phone creating a message

destined for the internet wherein the internet address of the intended recipient (sender's personal identifier) is specified in the body of the message).

The applicant claims "sending said message to a routing code assigned to an "unlisted" function on said mobile device" (Column 5, Lines 15-25 of Holmes, wherein Holmes discloses the user of the mobile phone sending the message to the gateway using a selected internet mail relay MSISDN (routing code assigned to an "unlisted" function) which is a special number for internet mail only wherein the gateway is configured that any message sent to this MSISDN number will be forwarded to the internet and delivered to the recipient address specified in the body of the message).

The applicant claims "receiving said message at an messaging system; capturing said sender's personal identifier by said messaging system; sending said message to said sender" (Column 5, Lines 15-25 & Column 6, Lines 12-30 of Holmes, wherein Holmes discloses the user of the mobile phone sending the message to the gateway using a selected internet mail relay MSISDN and wherein the gateway obtains the destination address from the body of the message and delivers the message to the recipient).

The applicant claims "temporarily assigning a routing code from said plurality of reserved routing codes to said sender's personal identifier by said messaging system; sending said message; and returning notice of said assignment" (Column 5, Lines 46-57 of Holmes, wherein Holmes discloses the temporary MSISDN assigned from the pool of available numbers is stored with the source address (senders personal identifier) of the internet mail and is used if the message is replied to and wherein Holmes discloses the

gateway assigning the temporary MSISDN for the life of the message (duration of the user session on said mobile device) wherein when a reply from the mobile phone comes back, the destination address is matched to the internet address of the original message sender and is then used to transmit the message reply)

Holmes fails to disclose "receiving said message at an messaging system; capturing said sender's personal identifier by said messaging system; temporarily assigning a routing code from said plurality of reserved routing codes to said sender's personal identifier by said messaging system; sending said message to said sender; and returning notice of said assignment to said mobile device."

However, Holmes discloses the teaching of assigning a temporary MSISDN number taken from the pool of available numbers to the internet mail address so that a mapping is performed between the MSISDN number and the internet address so that the user can reply to the messages without knowing the address of the sender (Column 5, Lines 1-15 & Lines 45-63 of Holmes) wherein the gateway performs the address mapping and has an address resolver that either looks up the correct destination address for the destination type (mobile network or internet) or creates a new mapping for new messages, the address resolver having an address range that is used to assign temporary MSISDN based addresses to outbound internet messages and provides a way for the router to find the correct source address if the message is replied to (Column 13, Lines 28-45 of Holmes). In addition, Holmes discloses the invention may be implemented in a variety of ways (Column 21, Lines 38-43 of Homes). Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of

Holmes to not only have the number map addressing be implemented when the gateway receives a message from an internet address to the mobile device but also to perform such address mapping when the mobile device sends a message to the internet address so that the recipient having the internet address is able to reply automatically with less time by having the assigning of the temporary MSISDN numbers to the internet address performed before the message is sent thereby ensuring that a connection is already established when the message is received and lowering the amount of time it takes for the mobile to receive the reply since the gateway already has performed the mapping beforehand.

Holmes discloses:

The applicant claims "receiving said message at a messaging system; capturing said sender's personal identifier by said messaging system; temporarily assigning a routing code from said plurality of reserved routing codes to said sender's personal identifier by said messaging system; sending said message to said sender; and returning notice of said assignment to said mobile device" (Column 5, Lines 1-15 & Lines 45-63 & Column 13, Lines 28-45 & Column 21, Lines 38-43 of Holmes, wherein Holmes discloses the mobile sending a message to the gateway destined for an internet address via the relay MSISDN number and wherein the gateway would perform the number name mapping beforehand as would have been obvious as explained above and then the user of the internet address would reply to the mobile thereby returning notice of the assignment to the mobile device and at which point the mobile device can reply to the sender without having to use and know the sender's address).

Holmes fails to specifically disclose "receiving said message at an messaging system."

In a related field of endeavor, Ogle discloses:

The applicant claims "receiving said message at an messaging system" (Column 2, Lines 43-67 of Ogle, wherein Ogle discloses a system and method for enabling an messaging system (IMS) to use alternative message delivery mechanisms).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Holmes to incorporate the teachings of Ogle of using messaging system applications to be used for instant messages and to use alternative message delivery for the purpose of improving the system by ensuring that the system is used in all manner of messaging system currently in use as well as providing for an alternative message delivery and receipt system that insures the availability of a user to send and receive messages to anyone regardless of where they may be.

Regarding claim 37, Holmes in view of Ogle discloses:

The applicant claims "The computer program product of claim 36" (see claim 36). The method claims disclosed above performs the functionalities that correspond to the computer program product claim, therefore the examiner rejects claim 37 with the same arguments provided above (see claim 35).

Regarding claim 15, Holmes in view of Ogle discloses:

The applicant claims "The computer program product of claim 37" (see claim 37). The method claims disclosed above performs the functionalities that correspond to the

computer program product claim, therefore the examiner rejects claim 15 with the same arguments provided above (see claim 4).

Regarding claim 17, Holmes in view of Ogle discloses:

The applicant claims "The computer program product of claim 37" (see claim 37). The method claims disclosed above performs the functionalities that correspond to the computer program product claim, therefore the examiner rejects claim 17 with the same arguments provided above (see claim 6).

Regarding claim 18, Holmes in view of Ogle discloses:

The applicant claims "The computer program product of claim 37" (see claim 37). The method claims disclosed above performs the functionalities that correspond to the computer program product claim, therefore the examiner rejects claim 18 with the same arguments provided above (see claim 7).

Regarding claim 21, Holmes in view of Ogle discloses:

The applicant claims "The computer program product of claim 37" (see claim 37). The method claims disclosed above performs the functionalities that correspond to the computer program product claim, therefore the examiner rejects claim 21 with the same arguments provided above (see claim 10).

Regarding claim 38, Holmes discloses:

The applicant claims "An apparatus for facilitating messaging between a mobile device and a sender comprising: a plurality of reserved routing codes for exchanging messages between senders and mobile devices" (Column 5, Lines 46-48 of Holmes, wherein Holmes discloses incoming messages are assigned temporary MSISDN

numbers on an ad-hoc basis from a pool of available MSISDN numbers (plurality of reserved routing codes)).

The applicant claims "in response to receiving a message from the sender directed to the mobile device, temporarily associating one of the routing codes with the sender for the duration of the user session on said mobile device; means for including the temporarily associated routing code in the message as a reply address" (Column 5, Lines 48-50 & Lines 56-57 of Holmes, wherein Holmes discloses the temporary MSISDN is stored with the source address of the internet mail and is used if the message is replied to and wherein Holmes discloses the gateway assigning the temporary MSISDN for the life of the message (duration of the user session on said mobile device) wherein when a reply from the mobile phone comes back, the destination address is matched to the internet address of the original message sender and is then used to transmit the message reply).

The applicant claims "and transmitting the message with the included temporarily associated routing codes to the mobile device" (Column 5, Lines 2-15 & Column 5, Lines 46-63 of Holmes, wherein Holmes discloses the gateway creating a new, temporary and unique reply MSISDN number associated with the reply address and wherein temporary MSISDN numbers are assigned from the pool of available temporary MSISDN numbers before sending the message and the reply MSISDN number onto the mobile phone and if the user of the mobile phone replies to this message, the reply MSISDN number is sent with the reply message back to the gateway which the gateway can map back onto the address of the original sender, therefore each temporary

MSISDN from the pool of available MSISDN are created to be unique from each other and the gateway creates a new temporary and unique association with the reply MSISDN and the reply address).

The applicant claims "the apparatus further comprising means for: composing a message for the sender at said mobile device, said message including at least said sender's personal identifier in body of said message" (Column 5, Lines 15-25 of Holmes, wherein Holmes discloses the user of the mobile phone creating a message destined for the internet wherein the internet address of the intended recipient (sender's personal identifier) is specified in the body of the message).

The applicant claims "sending said message to a routing code assigned to an "unlisted" function on said mobile device" (Column 5, Lines 15-25 of Holmes, wherein Holmes discloses the user of the mobile phone sending the message to the gateway using a selected internet mail relay MSISDN (routing code assigned to an "unlisted" function) which is a special number for internet mail only wherein the gateway is configured that any message sent to this MSISDN number will be forwarded to the internet and delivered to the recipient address specified in the body of the message).

The applicant claims "receiving said message at an messaging system; capturing said sender's personal identifier by said messaging system; sending said message to said sender" (Column 5, Lines 15-25 & Column 6, Lines 12-30 of Holmes, wherein Holmes discloses the user of the mobile phone sending the message to the gateway using a selected internet mail relay MSISDN and wherein the gateway obtains the

destination address from the body of the message and delivers the message to the recipient).

The applicant claims "temporarily assigning a routing code from said plurality of reserved routing codes to said sender's personal identifier by said messaging system; sending said message; and returning notice of said assignment" (Column 5, Lines 46-57 of Holmes, wherein Holmes discloses the temporary MSISDN assigned from the pool of available numbers is stored with the source address (senders personal identifier) of the internet mail and is used if the message is replied to and wherein Holmes discloses the gateway assigning the temporary MSISDN for the life of the message (duration of the user session on said mobile device) wherein when a reply from the mobile phone comes back, the destination address is matched to the internet address of the original message sender and is then used to transmit the message reply)

Holmes fails to disclose "receiving said message at an messaging system; capturing said sender's personal identifier by said messaging system; temporarily assigning a routing code from said plurality of reserved routing codes to said sender's personal identifier by said messaging system; sending said message to said sender; and returning notice of said assignment to said mobile device."

However, Holmes discloses the teaching of assigning a temporary MSISDN number taken from the pool of available numbers to the internet mail address so that a mapping is performed between the MSISDN number and the internet address so that the user can reply to the messages without knowing the address of the sender (Column 5, Lines 1-15 & Lines 45-63 of Holmes) wherein the gateway performs the address

mapping and has an address resolver that either looks up the correct destination address for the destination type (mobile network or internet) or creates a new mapping for new messages, the address resolver having an address range that is used to assign temporary MSISDN based addresses to outbound internet messages and provides a way for the router to find the correct source address if the message is replied to (Column 13, Lines 28-45 of Holmes). In addition, Holmes discloses the invention may be implemented in a variety of ways (Column 21, Lines 38-43 of Homes). Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Holmes to not only have the number map addressing be implemented when the gateway receives a message from an internet address to the mobile device but also to perform such address mapping when the mobile device sends a message to the internet address so that the recipient having the internet address is able to reply automatically with less time by having the assigning of the temporary MSISDN numbers to the internet address performed before the message is sent thereby ensuring that a connection is already established when the message is received and lowering the amount of time it takes for the mobile to receive the reply since the gateway already has performed the mapping beforehand.

Holmes discloses:

The applicant claims "receiving said message at a messaging system; capturing said sender's personal identifier by said messaging system; temporarily assigning a routing code from said plurality of reserved routing codes to said sender's personal identifier by said messaging system; sending said message to said sender; and

returning notice of said assignment to said mobile device" (Column 5, Lines 1-15 & Lines 45-63 & Column 13, Lines 28-45 & Column 21, Lines 38-43 of Holmes, wherein Holmes discloses the mobile sending a message to the gateway destined for an internet address via the relay MSISDN number and wherein the gateway would perform the number name mapping beforehand as would have been obvious as explained above and then the user of the internet address would reply to the mobile thereby returning notice of the assignment to the mobile device and at which point the mobile device can reply to the sender without having to use and know the sender's address).

Holmes fails to specifically disclose "receiving said message at an instant messaging system."

In a related field of endeavor, Ogle discloses:

The applicant claims "receiving said message at an instant messaging system" (Column 2, Lines 43-67 of Ogle, wherein Ogle discloses a system and method for enabling an instant messaging system (IMS) to use alternative message delivery mechanisms).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Holmes to incorporate the teachings of Ogle of using instant messaging system applications to use alternative message delivery for the purpose of improving the system by providing for an alternative message delivery and receipt system that insures the availability of a user to send and receive messages to anyone regardless of where they may be.

Regarding claim 39, Holmes in view of Ogle discloses:

The applicant claims "The apparatus of claim 38" (see claim 38). The method claims disclosed above performs the functionalities that correspond to the apparatus claim, therefore the examiner rejects claim 39 with the same arguments provided above (see claim 35).

Regarding claim 26, Holmes in view of Ogle discloses:

The applicant claims "The apparatus of claim 39" (see claim 39). The method claims disclosed above performs the functionalities that correspond to the apparatus claim, therefore the examiner rejects claim 26 with the same arguments provided above (see claim 4).

Regarding claim 28, Holmes in view of Ogle discloses:

The applicant claims "The apparatus of claim 39" (see claim 39). The method claims disclosed above performs the functionalities that correspond to the apparatus claim, therefore the examiner rejects claim 28 with the same arguments provided above (see claim 6).

Regarding claim 29, Holmes in view of Ogle discloses:

The applicant claims "The apparatus of claim 39" (see claim 39). The method claims disclosed above performs the functionalities that correspond to the apparatus claim, therefore the examiner rejects claim 29 with the same arguments provided above (see claim 7).

Regarding claim 32, Holmes in view of Ogle discloses:

The applicant claims "The apparatus of claim 39" (see claim 39). The method claims disclosed above performs the functionalities that correspond to the apparatus

claim, therefore the examiner rejects claim 32 with the same arguments provided above (see claim 10).

9. Claims 9, 20 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes et al. (US Patent 6134432 herein after referenced as Holmes) in view of Ogle et al. (US Patent 6430604 herein after referenced as Ogle) and further in view of Kunz (US Patent 5353340 herein after referenced as Kunz).

Regarding claim 9, Holmes in view of Ogle discloses:

The applicant claims "The method of claim 35, wherein routing codes for assignment are recycled" (Column 5, Lines 50-51 of Holmes, wherein Holmes discloses reusing the numbers in the temporary MSISDN pool in oldest first date order).

Holmes in view of Ogle fails to disclose "wherein routing codes for assignment are recycled during a user session on said mobile unit if the number of senders exceeds the routing codes available."

In a related field of endeavor, Kunz discloses:

The applicant claims "wherein routing codes for assignment are recycled during a user session on said mobile unit if the number of senders exceeds the routing codes available" (Abstract & Column 36, Lines 9-27 & Column 13, Lines 4-15 of Kunz, wherein Kunz discloses having a group of available numbers being released and reused after alarms are configured to sound when the available numbers are all in use or almost all in use).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Holmes in view of Ogle to incorporate the teachings of Kunz of determining when the available numbers are all in use and releasing and returning the available number not in use back to the pool for reuse for the purpose of improving the system by ensuring that the system properly optimizes the use of the system resources and providing service to users requiring the available number by releasing and reusing the numbers not in use.

Regarding claim 20, Holmes in view of Ogle discloses:

The applicant claims "The computer program product of claim 37" (see claim 37). The method claims disclosed above performs the functionalities that correspond to the computer program product claim, therefore the examiner rejects claim 20 with the same arguments provided above (see claim 9).

Regarding claim 31, Holmes in view of Ogle discloses:

The applicant claims "The apparatus of claim 39" (see claim 39). The method claims disclosed above performs the functionalities that correspond to the apparatus claim, therefore the examiner rejects claim 31 with the same arguments provided above (see claim 9).

10. Claims 11, 22 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes et al. (US Patent 6134432 herein after referenced as Holmes) in view of Ogle et al. (US Patent 6430604 herein after referenced as Ogle) in view of Salmi (US

Patent 6947396 herein after referenced as Salmi) and further in view of Kunz (US Patent 5353340 herein after referenced as Kunz).

Regarding claim 11, Holmes in view of Ogle discloses:

The applicant claims "The method of claim 10" (see claim 10). Holmes in view of Ogle fails to specifically disclose "wherein said step of preventing comprises any of the steps of: delaying delivery of a message from said sender pending confirmation of a mobile user's desire to receive said message; and providing sufficient routing codes that recycling of codes is unlikely to be necessary.

In a related field of endeavor, Salmi discloses:

The applicant claims "wherein said step of preventing comprises any of the steps of: delaying delivery of a message from said pending confirmation of a mobile user's desire to receive said message" (Column 12, Lines 43-54 of Salmi, wherein Salmi discloses requesting the user to give his approval or rejection of the message before performing the action of sending or rejecting the message, therefore the delivery is delayed pending confirmation from the user).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Holmes in view of Ogle to incorporate the teachings of Salmi of delaying the delivery pending the user's approval or rejection for the purpose of improving the system by ensuring the user the ability to control the reception and denial of messages that the user does not wish to receive thereby increasing system flexibility to the user's needs and demands.

Holmes in view of Ogle and further in view of Salmi fails to specifically disclose "and providing sufficient routing codes that recycling of codes is unlikely to be necessary."

In a related field of endeavor, Kunz discloses:

The applicant claims "and providing sufficient routing codes that recycling of codes is unlikely to be necessary" (Column 1, Lines 54-60 of Kunz, wherein Kunz discloses having as many subscriber numbers as there are registered automatic visitors to ensure that each registered automatic visitor has the capability of receiving a call as is used in prior art systems).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Holmes in view of Ogle and further in view of Salmi of having sufficient routing codes for each registered user for the purpose of improving the system by providing higher quality of service in ensuring that the user each has its own dedicated number ensuring that the user is able to receive a call all the time.

Regarding claim 22, Holmes in view of Ogle discloses:

The applicant claims "The computer program product of claim 21" (see claim 21). The method claims disclosed above performs the functionalities that correspond to the computer program product claim, therefore the examiner rejects claim 20 with the same arguments provided above (see claim 11).

Regarding claim 33, Holmes in view of Ogle discloses:

The applicant claims "The apparatus of claim 39" (see claim 39). The method claims disclosed above performs the functionalities that correspond to the apparatus

claim, therefore the examiner rejects claim 33 with the same arguments provided above (see claim 11).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617

